



01 Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed  
02 IFP and should dismiss a complaint if it is frivolous or fails to state a claim upon which relief  
03 can be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O’Loughlin v. Doe*, 920 F.2d 614, 616  
04 (9th Cir. 1990). An action is frivolous if “it lacks an arguable basis either in law or in fact.”  
05 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

06 Here, plaintiff has failed to allege sufficient facts to place the defendant on notice of the  
07 nature of his claims or otherwise provide any basis for jurisdiction in this Court. *See* Fed. R.  
08 Civ. P. 8(a). His complaint also appears to name as defendants governmental actors who enjoy  
09 immunity from suit. *See, e.g., Imbler v. Pachtman*, 424 U.S. 409, 427 (1976); *Pierson v. Ray*,  
10 386 U.S. 547, 553-54 (1967). Furthermore, any attempt to cure the extreme deficiencies in  
11 this case would be futile. Because this action appears frivolous and fails to state a claim upon  
12 which relief can be granted, it is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) and  
13 Federal Rule of Civil Procedure 12(b)(6). The fact that plaintiff is not a prisoner does not  
14 change this conclusion. *See Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (“[S]ection  
15 1915(e) applies to all in forma pauperis complaints, not just those filed by prisoners.”).

16 The Court advises plaintiff of his responsibility to research the facts and law before  
17 filing a complaint in order to determine whether his claim for relief is frivolous. If plaintiff files  
18 a frivolous action, he may be sanctioned. *See* Fed. R. Civ. P. 11. The Court would likely  
19 impose a sanction of dismissal on any frivolous complaint. If plaintiff files numerous frivolous  
20 or malicious complaints, the Court may bar him from proceeding in this court. *See DeLong v.*  
21 *Hennessey*, 912 F.2d 1144, 1146-48 (9th Cir. 1990) (discussing bar order requirements).

22 Because of the extreme deficiencies in plaintiff’s complaint, his request to proceed IFP  
23 should be DENIED and this case DISMISSED without prejudice. 28 U.S.C. § 1915(e)(2)(B).  
24 A proposed Order of Dismissal accompanies this Report and Recommendation. If plaintiff  
25 believes that the deficiencies outlined herein can be cured by an amendment to his complaint,  
26 he should lodge an amended complaint as a part of his objections, if any, to this Report and

01 Recommendation.

02 DATED this 10th day of March, 2008.

03   
04 JAMES P. DONOHUE  
05 United States Magistrate Judge  
06  
07  
08  
09  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26